

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 2-17 are pending in the application. Claim 1 has been cancelled. Claim 2 has been rewritten in independent form. Claims 3-4 have been amended to change their dependency. Claims 5-17 have been added to provide Applicants with the scope of protection to which they are believed entitled. The amended/new claims find solid support in the original disclosure, e.g., the figures. No new matter has been introduced through the foregoing amendments.

The *35 U.S.C. 112, second paragraph* rejection of claims 1-4 is believed overcome in view of the above amendments.

The provisional obviousness type double patenting rejection is obviated through submission of the concurrently filed Terminal Disclaimer.

The *35 U.S.C. 102(b)* rejection of claims 1-4 as being anticipated by U.S. Patent No. 5,188,627 to *Igaue* is noted. Applicants respectfully traverse the Examiner's rejection of at least claim 2. In particular, the last sentence of the paragraph bridging pages 3-4 of the Office Action is not understood. Clarification is respectfully requested. Amended claim 2 is not anticipated by *Igaue* because the reference does not fairly teach or disclose the limitation that "the first and second elastic members being completely spaced apart in a longitudinal direction of said undergarment without contacting or crossing each other." Accordingly, Applicants respectfully request that the anticipatory rejection of claim 2 be withdrawn. The rejection of claims 3-4 should also be withdrawn because claims 3-4 now depend from claim 2.

New claims 5-17 are patentable over the applied art of record at least by virtue of their dependency. Claims 5-17 are also patentable on their own merits since these claims recite other unique features of the invention. For example,

- the limitation of claim 5 that “the middle portions of said first and second elastic members are attached under tension to said backsheet”

- the limitations of claims 6, 10 and 17 that “said first and second elastic members are not co-elevational with said third elastic members as viewed in a thickness direction of said undergarment,” “said backsheet has at least two material layers including an upper layer and a lower layer, said first and second elastic members are sandwiched between said upper and lower layers, and said third elastic members are sandwiched between said upper layer and said topsheet,” and “in the overlapping zones, said first and second elastic members are spaced from said third elastic members, in a thickness direction of said undergarment, by at least a sheet material” (*see* 12a and 13b in FIG. 3)

- the limitation of claim 7 that “an entire area of said topsheet is smaller than that of said backsheet”

- the limitation of claim 8 that “said third elastic members terminate at an edge of said topsheet” (*see* e.g., FIG. 1 of the instant application)

- the limitation of claim 9 that “each of said first and second elastic members extends continuously integrally from one of the end portions to the other”

- the limitations of claims 11, 12 and 15 that “an entirety of each of said third elastic members describes a curve matching a contour of the respective transversely opposite side edge of said crotch region,” “each of said third elastic members extends alongside an entirety of each of the respective end portions of said first and second elastic members” and “each of the third elastic members extends along an entirety of the peripheral edge of the respective leg-opening”

- the limitation of claim 13 that “said first and second elastic members are not directly attached to the topsheet”

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▪ the limitation of claim 14 that “at least one of said first and second elastic members includes a plurality of stretchable strands extending in parallel, and at least one of the front and rear portions of said third elastic members terminate at a point located between adjacent said strands”

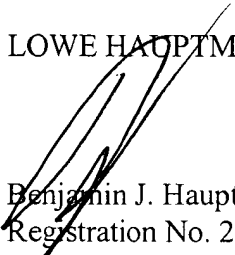
▪ the limitation of claim 16 that “the middle portions of said first and second elastic members underlie the front and rear end zones of said core, respectively.”

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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